

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY R. ROE,

Defendant.

4:16CR3067

ORDER

After reviewing the forensic evaluation report of the Federal Medical Center, and after examining Defendant and conferring with counsel, the court finds Defendant continues to lack the ability to understand the nature and consequences of the pending court proceedings, and to properly assist counsel in the defense of this case.

Accordingly,

IT IS ORDERED:

- 1) Defendant is currently mentally incompetent and unable to stand trial. The time between January 31, 2017, the date of defense counsel's notice that competency may be an issue, and any determination, if any, that Defendant is competent and able to assist counsel in his defense, shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161 (h)(4).

- 2) Defendant is again remanded to the custody of the Attorney General of the United States for mental health and cognitive care and treatment, including but not limited to competency restoration, if possible, at the Federal Medical Facility, Butner, North Carolina, or other suitable facility, pursuant to the provisions of 18 U.S.C. §§ 4241 and 4247.
- 3) The Federal Medical Center shall promptly advise the undersigned magistrate judge if the defendant refuses to take medication prescribed to restore his competence and/or refuses to comply with any other conditions of confinement, including but not limited to dietary restrictions, necessary to promote the efficacy of the prescribed medications or Defendant's ability to regain competence.
- 4) Except as necessary to promote restoration of Defendant's competence, the dietary restrictions outlined in paragraphs (1) and (2) of the court's prior order, (Filing No. 84), are vacated.
- 5) In addition to the reporting requirements of paragraph 3 above, the Federal Medical Center shall provide a brief status report every 60 days after Defendant arrives at the facility regarding Defendant's progress toward becoming competent.
- 6) The United States Marshal shall forthwith, without delay, transport the defendant to the Butner, North Carolina facility, or other suitable facility as identified by the Attorney General of the United States, in accordance with this order, at no cost to the defendant. The Marshal shall ensure the defendant receives all currently prescribed

medications during transport to and from the Federal Medical Center.

- 7) The clerk shall provide a copy of this order to the Marshal upon filing.
- 8) The clerk shall set a case management deadline of July 5, 2019 to check on Defendant's transfer status and the location of the evaluating facility. The clerk shall place a non-public remark in the record when the location information is known and shall set a case management deadline 60 days thereafter to follow up with the Marshal regarding Defendant's location and evaluation status.
- 9) If Defendant is not returning to this district within 180 days of this order, the clerk shall bring this case to my attention.

June 6, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge